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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/848,764	05/04/2001	Sakae Ishikawa	207187US2	7828
22850	7590	05/30/2006	EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			BUTLER, MICHAEL E	
			ART UNIT	PAPER NUMBER
			3653	

DATE MAILED: 05/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/848,764

Applicant(s)

ISHIKAWA ET AL.

Examiner

Michael Butler

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 and 12-84 is/are pending in the application.
- 4a) Of the above claim(s) 12-84 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

1. Applicant's claims of priority to Japanese applications: 2001-47288 filed 2/22/01; 2000-356640 filed 11/22/00; 2000-135235 filed 5/18/00.

Election/Restriction

2. Applicant's election of invention I without traverse in Paper No. 12 was acknowledged and made final. Applicant's election of Species I with traverse in Paper No. 12 is acknowledged and the species requirement is made final. Applicant identified claims 1-11 as reading on the elected species.

MPEP § 816 relates to patentably distinct inventions, not species.

Applicant asserts no mutually exclusive species have been identified:

Applicant per MPEP § 806.04(f), there was no identification of mutually exclusive species. Same time and different time are clearly mutually exclusive times. Same location and different locations are clearly mutually exclusive. Same type product and differing type product are mutually exclusive products.

Applicant argued there would be no undue burden to all claimed species. However, burden is a restriction requirement element, not a species requirement element.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject

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matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knudsen, Jr. in view of Aria et al. '985 (JP11-348985A) wherein Knudsen, Jr. discloses:

(Re: cl 1) A specification unit 25 configured to specify a plurality of first article delivery and collection components required to assemble article delivery and collection components and those not required for first apparatus yet required for second rack (c9 L 29-c10 L 13; c4 L 14-30);

Instruction unit configured to provide delivery procedure for second article (c12 L 6-45);

(Re: cl 2) pallet with top and plurality of supports or shock absorbers (c5 L 1-29)

(Re: cl 7) third rack (c8 L 18-34)

(Re: cl 5) instruction unit includes confirmation unit; article collection center (c10 L 58-67)

(Re: cl 6) if confirmed no stocking of second article component at article delivery and collection components collection center instruction unit instructs management center to deliver article (c7 L 41-c8 L 43)

(Re: cl 8) instruction unit includes first and second instruction units (c7 L 41-c8 L 17; 25/33).

Aria et al. '985 discloses any elements not inherently taught by Knudsen, Jr. including:

(Re: cl 1) the article delivery and collection package configured to be assembled as a first delivery and collection package for packing a first article to be delivered and configure to be reassembled (§ 47), the second article being of different height than the first (§ 112).

(Re: cl 3) system sales use warehouse; article assembled with components production site (§ 2)

(Re: cl4) instruction unit instructs management center to deliver article (§ 4);

(Re: cl 9) both first article and second article are image formation devices (§ 111)

(Re: cl 10) first article is an image formation device, and said second article is any device other than said image formation device (§ 111).

It would have been obvious at the time of the invention to move production task

completed articles to storage warehouse to have them out of the way till ready for further work or shipment as taught by Aria et al. '985 and come up with the instant invention. It would have been obvious at the time of the invention for Knudsen, Jr. to transport permutations of printers, monitors, and computer together on a article as taught by Arai et al. '985 as these components

are regularly used and sold together and there common transfer would help users get the components together and come up with the instant inventions. It would have been obvious at the time of the invention for Knudsen, Jr. to use a reconfigurable collection package of adjustable size suitable for carrying a subsequent component to modify and collect components because accumulation and drop off of goods minimizes the shipping costs by reusing the containers as taught by Arai et al.

5. Claims 1-7 and 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown 6516242 in view of Aria et al. '985 (JP11-348985A) wherein Brown discloses:

(Re: cl 1) A specification unit configured to specify a plurality of first article delivery and collection components required to assemble article delivery and collection components and those not required for first apparatus yet required for second rack (c5 L 40-59);
Instruction unit configured to provide delivery procedure for second article (c5 L 60-c6 L 16; c8 L 22-35);

(Re: cl 2) pallet with top and plurality of supports or shock absorbers (c7 L 23-48, springs serve as shock absorbers);

(Re: cl 3) system supplies components from a use warehouse to an article assembled with components production site (c8 L 22-c9 L 4)

(Re: cl4) instruction unit instructs management center to deliver article (c5 L 60-c6 L 16);

(Re: cl 5) instruction unit includes confirmation unit; article collection center (c8 L22-52)

(Re: cl 6) if confirmed no stocking of second article component at article delivery and collection components collection center instruction unit instructs management center to deliver article (c8 L 43-53)

(Re: cl 7) third article (c8 L 22-35);

(Re: cl 9) both first article and second article are image formation devices (c4 L 54-67)

(Re: cl 10) first article is an image formation device, and said second article is any device other than said image formation device (c4 L 54-67).

Aria et al. '985 discloses any elements not inherently taught by Brown including:

(Re: cl 1) the article delivery and collection package configured to be assembled as a first delivery and collection package for packing a first article to be delivered and configure to be reassembled (§ 47), the second article being of different height than the first (§ 112).

(Re: cl 3) system sales use warehouse; article assembled with components production site (¶ 2)

(Re: cl4) instruction unit instructs management center to deliver article (¶ 4);

(Re: cl 9) both first article and second article are image formation devices (¶ 111)

(Re: cl 10) first article is an image formation device, and said second article is any device other than said image formation device (¶ 111).

It would have been obvious at the time of the invention to move production task completed articles to storage warehouse to have them out of the way till ready for further work or shipment as taught by Aria et al. '985 and come up with the instant invention. It would have been obvious at the time of the invention for Brown to transport permutations of printers, monitors, and computer together on a article as taught by Arai et al. '985 as these components are regularly used and sold together and there common transfer would help users get the components together and come up with the instant inventions. It would have been obvious at the time of the invention for Brown to use a reconfigurable collection package of adjustable size suitable for carrying a subsequent component to modify and collect components because accumulation and drop off of goods minimizes the shipping costs by reusing the containers as taught by Arai et al.

6. Claims 1, 3-6, 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roberts et al. 6401078 in view of Aria et al. '985 (JP11-348985A) wherein Roberts et al. discloses:

(Re: cl 1) A specification unit configured to specify a plurality of first article delivery and collection components required to assemble article delivery and collection components and those not required for first apparatus yet required for second rack (c12 L 40-c13 L 17; c3 L 49-c4 L 6);

Instruction unit configured to provide delivery procedure for second article (c12 L 40-c13 L 17; c3 L 49-c4 L 6);

(Re: cl 5) instruction unit includes confirmation unit; article collection center (c6 L 6-30)

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(Re: cl 6) if confirmed no stocking of second article component at article delivery and collection components collection center instruction unit instructs management center to deliver article center (c6 L 6-30)

(Re: cl 8) instruction unit includes first and second instruction units (c12 L 40-c13 L 17; c3 L 49-c4 L 6);

Aria et al. '985 discloses any elements not inherently taught by Roberts et al. including:

(Re: cl 1) the article delivery and collection package configured to be assembled as a first delivery and collection package for packing a first article to be delivered and configure to be reassembled (§ 47), the second article being of different height than the first (§ 112).

(Re: cl 3) system sales use warehouse; article assembled with components production site (§ 2)

(Re: cl 4) instruction unit instructs management center to deliver article (§ 4);

(Re: cl 9) both first article and second article are image formation devices (§ 111)

(Re: cl 10) first article is an image formation device, and said second article is any device other than said image formation device (§ 111).

It would have been obvious at the time of the invention to move production task completed articles to storage warehouse to have them out of the way till ready for further work or shipment as taught by Aria et al. '985 and come up with the instant invention. It would have been obvious at the time of the invention for Roberts et al. to transport permutations of printers, monitors, and computer together on a article as taught by Arai et al. '985 as these components are regularly used and sold together and there common transfer would help users get the components together and come up with the instant inventions. It would have been obvious at the time of the invention for Roberts et al. to use a reconfigurable collection package of adjustable size suitable for carrying a subsequent component to modify and collect components because accumulation and drop off of goods minimizes the shipping costs by reusing the containers as taught by Arai et al..

Response to Amendments/Arguments

7. Applicant's amendment was effective in overcoming the anticipatory rejections evidenced by Knudsen, Jr. and Brown. Applicant's amendments were effective in overcoming the obviousness rejection evidenced by Knudsen, Jr. in view of Otsuka et al..

The applicant's arguments and amendment have been fully considered but they are unpersuasive in overcoming the rejections evidenced by Knudsen, Jr. in view of Aria et al..

The applicant's arguments have been fully considered but they are unpersuasive in overcoming the rejections. A mobile or portable rack is an article delivery and collection device, so Knudson, Jr. still reads on the substituted element.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Exmr. Michael E. Butler whose telephone number is (571) 272-6937.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene O. Crawford, can be reached on (571) 272-6911. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

MED
5/18/06


GENE O. CRAWFORD
SUPERVISORY PATENT EXAMINER